

# **City Council Workshop**

Tuesday, August 20, 2019 6:00pm

DuPont City Council Chambers 1700 Civic Drive DuPont, WA 98327



# Tonight's Agenda

- I) Welcome and Introductions
- II) Overview of the SMA/SMP
- III) SMP Periodic Review
- IV) Proposed Amendments
- V) Next Steps

## Introductions

- City of DuPont
  - Jeff Wilson, AICP Community Development
    Director
- AHBL, Inc.
  - Josh Kubitza Consulting Planner

# Why are we here?

- State Law requires the City's Shoreline Master Program be reviewed and revised, if needed, on an eight-year schedule.
- Ecology has prepared a checklist of all laws and rules to be adopted.
- Where gaps exist, draft amendments are prepared.

# How did we get here?

#### **Shoreline Management Act**

Revised Code of Washington (RCW) 90-58

## Shoreline Master Program Guidelines

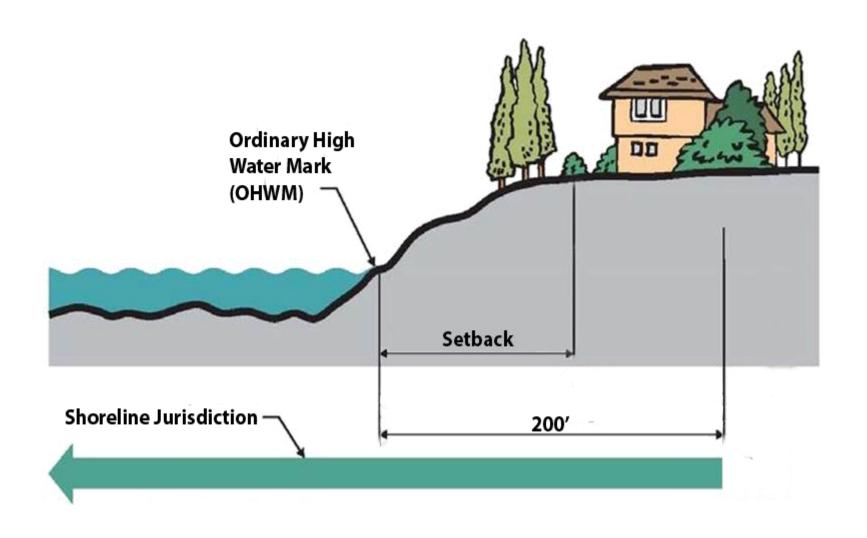
Washington Administrative Code (WAC) 173-26

#### **Shoreline Master Program**

City's SMP, adopted in 1972, last update in 2013

## **Shoreline Jurisdiction**

- Major waterbodies and adjacent shorelands extending 200-feet landward from the ordinary high water mark.
- In DuPont, includes Puget Sound, Brackish Marsh downstream at end of Sequalitchew Creek and lands 200 feet landward of the Ordinary High Water mark.
- "Shoreline Setback" is not the same as "Shoreline Jurisdiction".



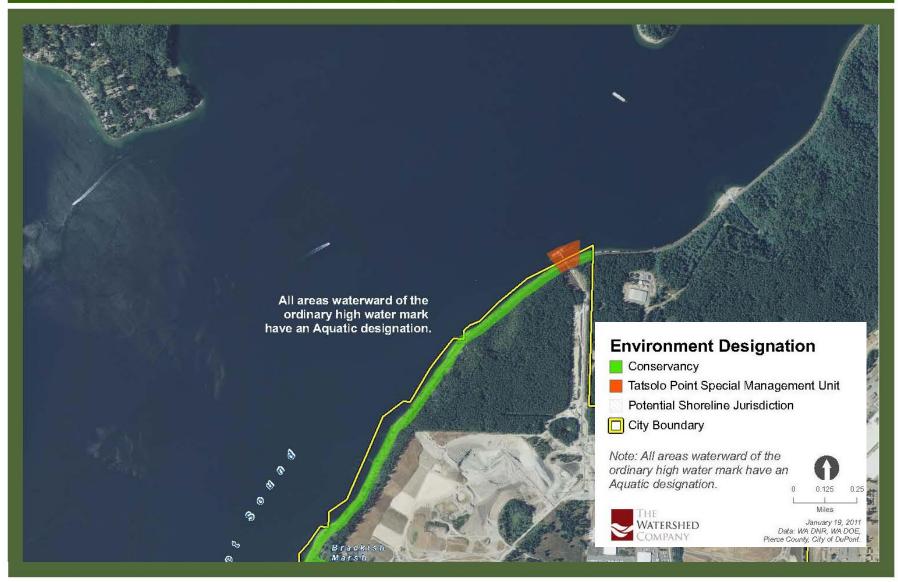
## **Shoreline Environments**

- Aquatic
- Conservancy
- Tatsolo Point Special Management Unit



#### City of Dupont Environment Designation

City of DuPont Shoreline Master Program





### City of Dupont Environment Designation

City of DuPont Shoreline Master Program



# **Purpose of SMP Review**

- Stay current with changes in laws and rules.
- Remain consistent with Du Pont plans and regulations, including updated Critical Area Ordinance.
- Respond to changed circumstances, new information and improved data.

# **Updated Shoreline Requirements**

- Apply to future development.
- <u>Do not</u> apply retroactively to past actions.
- <u>Do not</u> require changes to existing land uses or developments.

# What Is Not Changing

- Changes are narrow in scope; consistent with Ecology.
- Ecology is <u>not</u> funding any additional scientific analysis of shorelines.
- Most development standards (setbacks, height, width, lot coverage, etc.) will remain the same.

#### **Summary of Change in Law**

Ecology amended rules to clarify that the **definition of "development"** does not include dismantling or removing structures.

## **City's Response**

Update the definition in Section 9 of the SMP.

#### Draft SMP Page 89 Line 2:

**Development** A use consisting of the construction or exterior alteration of such structures; dredging; drilling; dumping; filling, removal of any sand, gravel, or minerals; bulkheading; driving of pilings; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level. <u>Development does not include dismantling or removing structures if there is no other associated development or re-development.</u>

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#### **Summary of Change in Law**

Ecology adopted rules that clarify **exceptions to local review under the SMA.** 

#### **City's Response**

Update Section 8.5.3 of the SMP to include the additional exemptions. A statement is necessary to exempt certain activities from local review as well as permitting.

#### Draft SMP Page 79 Line 28:

#### **Exemptions**

R-189 The City shall exempt from the Shoreline Substantial Development Permit requirement the shoreline developments listed in WAC 173-27-040 and 173-27-044, RCW 90.58.030-(3)(e), 90.58.140(9), 90.58.147, 90.58.355, 90.58.356 and 90.58.515.

#### Draft SMP Page 79 Line 31:

R-190 Letters of exemption shall be issued by the City when an exemption per Regulation R-217-189 applies or when a letter of exemption is required by the provisions of WAC 173-27-050. A letter of exemption shall not be issued, nor shall local review under this SMP be required for the activities listed under WAC 173-27-044.

#### **Summary of Change in Law**

Ecology updated wetlands critical areas guidance including implementation guidance for the 2014 wetlands rating system.

### **City's Response**

The City's SMP was adopted prior to the 2014 wetland rating system and is in need of several updates to be consistent with the Critical Area Regulations outside of the shoreline jurisdiction.

The City is adopting the CAO (DMC XXXXX) by reference.

### **City's Response**

Certain provisions in the CAO cannot apply in the shoreline jurisdiction as they conflict with SMA.

#### **Draft SMP Page 28 Line 24:**

Exceptions to the applicability of critical area regulations in shoreline jurisdiction are provided below.

- R-20 Critical area regulations do not extend shoreline jurisdiction beyond the limits specified in this SMP. For regulations addressing critical area buffers that are outside shoreline jurisdiction, see Critical Areas Regulations, Chapter 25.105 DMC.
- R-21 Provisions of the critical areas regulations related to Exemptions and Exceptions in do not apply in shoreline jurisdiction. Specifically, Section 25.105.070 DMC does not apply in shoreline jurisdiction.
- R-22 Provisions of the critical areas regulations related to Appeals do not apply in shoreline jurisdiction. Specifically, Section 25.105.150 DMC does not apply in shoreline jurisdiction and is instead regulated by Section 8.13 of this SMP.
- R-23 Provisions of the critical areas regulations related to Reasonable Use do not apply in shoreline jurisdiction. Specifically, Section 25.105.050(2)(g)(iv) does not apply in shoreline jurisdiction and is instead regulated by Regulation R-33 below.

## **Important Milestones**

- Final Public Participation Plan Sent to Ecology
- Community Open House on the SMP Update

• Prepare Amendments to **SMP** 

- Planning Commission Workshop on the SMP
- Community Open House to Review Proposed SMP **Amendments**
- Draft SMP Sent to **Ecology**

 Notice of Intent to Adopt sent to Commerce (60day review)

- •SEPA Determination and **Notice Distributed**
- Planning Commission Public Hearing on the **SMP**

 Council Committee to **Review Proposed SMP Amendments** 

**April 2019** 



May 2019



June 2019



July 2019



- Full Council Workshop on **Proposed SMP Amendments**
- Public Hearing on the **SMP**

Joint City Council/Ecology

- •City Council to Adopt **SMP**
- Adopted SMP Submitted to Ecology
- •SMP Effective after 30 Day Review

August 2019



September 2019



October 2019/ January 2020



# **Project Contacts**

## **Project Contacts:**

- Jeff Wilson, AICP Community Development Director jwilson@dupontwa.gov
- Brittany Port, AICP, <u>bport@ahbl.com</u>
- Josh Kubitza, <u>jkubitza@ahbl.com</u>

SMP Periodic Review Website - <a href="http://www.ci.dupont.wa.us/index.aspx?nid=476">http://www.ci.dupont.wa.us/index.aspx?nid=476</a>